

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**FEBRUARY 18, 2002**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Townsend at 10:00 a.m. on Monday, February 18, 2002, in the Wallace State Office Building, Des Moines, Iowa.

### MEMBERS PRESENT

James Braun  
Lisa Davis Cook  
Lori Glanzman  
Darrell Hanson  
Kathryn Murphy, Vice-Chair  
Gary Priebe  
Kelly Tobin  
Terrance Townsend, Chair  
Rita Venner, Secretary

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment 2:15 P.M- Ron Litterer representing the Commodities Group and Farm Bureau

*Motion was made by Kelly Tobin to approve the agenda as amended. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS AMENDED**

### APPROVAL OF MINUTES

*Motion was made by Kathryn Murphy to approve the minutes for the January 22, 2002 meeting as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### DIRECTOR'S REPORT

Director Jeffrey Vonk said the Department of Natural Resource had received the report from Iowa State University and the University of Iowa regarding air emissions from confined animal feeding operations. The report is very comprehensive and detailed and is currently being reviewed by key staff persons and him. In addition the Legislature has appointed a bipartisan group of legislators from the House and Senate to review and make recommendations for the Iowa Code with regard to animal feeding operations.

## **FY02 SECOND QUARTER FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES**

Linda Hanson, Division Administrator, Administrative Services Division, presented the following item.

Attached is the operations' FY 02 second quarter financial status report by division. The report reflects a projected year end general fund balance of approximately \$500,000. This projected balance assumes that Park receipts will come in as budgeted. Park receipts were budgeted to increase by \$870,000 over actual FY 01 receipts as a result of a camping fee increase. Receipts are currently only \$140,000 ahead of actual FY 01 receipts through December. Any positive general fund balances will be needed to offset any shortfall in actual park receipts.

<b>TOTAL DEPARTMENT THROUGH DECEMBER 31, 2001</b>	<b>FY 02 BUDGET</b>	<b>FY 02 BUDGET THRU DEC</b>	<b>FY 02 ACTUAL THRU DEC</b>	<b>02 BUDGET LESS ACTUAL 02</b>
<b>RESOURCES</b>				
General Fund	\$16,321,747	\$8,327,959	\$7,785,750	\$542,210
Federal	\$16,829,631	\$8,419,205	\$6,348,205	\$2,071,000
Administration Fund	\$413,000	\$206,500	\$206,500	\$0
Conservation Fund	\$5,524,625	\$2,762,313	\$2,762,313	\$0
Other Funds	\$14,977,161	\$7,482,017	\$5,669,829	\$1,812,188
Groundwater Fund	\$3,818,905	\$1,909,453	\$1,482,342	\$427,111
Fish and Wildlife Trust Fund	\$28,030,164	\$14,015,082	\$12,978,130	\$1,036,952
<b>TOTAL RESOURCES</b>	<b>\$85,915,233</b>	<b>\$43,122,527</b>	<b>\$37,233,068</b>	<b>\$5,889,459</b>
<b>EXPENDITURES</b>				
Personnel	\$52,882,413	\$26,441,207	\$23,909,866	\$2,531,341
Extra Help	\$3,074,740	\$1,702,281	\$1,706,278	(\$3,998)
Support	\$17,407,400	\$8,703,700	\$7,849,315	\$854,385
Contracts	\$9,693,082	\$4,846,541	\$2,973,260	\$1,873,281
Equipment	\$2,857,598	\$1,428,799	\$794,349	\$634,450
<b>TOTAL EXPENDITURES</b>	<b>\$85,915,233</b>	<b>\$43,122,527</b>	<b>\$37,233,068</b>	<b>\$5,889,459</b>

<b>ADMINISTRATIVE SERVICES THROUGH DECEMBER 31, 2001</b>	<b>FY 02 BUDGET</b>	<b>FY 02 BUDGET THRU DEC</b>	<b>FY 02 ACTUAL THRU DEC</b>	<b>02 BUDGET LESS ACTUAL 02</b>
<b>RESOURCES</b>				
General Fund	\$1,468,282	\$734,141	\$533,395	\$200,746
Federal	\$1,061,060	\$530,530	\$430,385	\$100,145
Fish and Wildlife	\$2,203,595	\$1,101,798	\$1,115,723	(\$13,926)
Groundwater Fund	\$255,004	\$127,502	\$115,736	\$11,766
REAP	\$703,235	\$351,618	\$366,839	(\$15,222)
Marine Fuel Tax	\$379,163	\$189,582	\$87,031	\$102,551
Infrastructure	\$215,404	\$107,702	\$92,191	\$15,511
Other	\$715,191	\$357,596	\$305,549	\$52,047
<b>TOTAL RESOURCES</b>	<b>\$7,000,934</b>	<b>\$3,500,467</b>	<b>\$3,046,849</b>	<b>\$453,618</b>
<b>EXPENDITURES</b>				
Personnel	\$5,023,614	\$2,511,807	\$2,238,423	\$273,384

Extra Help	\$165,836	\$82,918	\$94,317	(\$11,399)
Support	\$1,544,002	\$772,001	\$640,339	\$131,662
Contracts	\$40,000	\$20,000	\$0	\$20,000
Equipment	\$227,482	\$113,741	\$73,770	\$39,971
<b>TOTAL EXPENDITURES</b>	<b>\$7,000,934</b>	<b>\$3,500,467</b>	<b>\$3,046,849</b>	<b>\$453,618</b>

<b>DIRECTOR'S OFFICE THROUGH DECEMBER 31, 2001</b>	<b>FY 02 BUDGET</b>	<b>FY 02 BUDGET THRU DEC</b>	<b>FY 02 ACTUAL THRU DEC</b>	<b>02 BUDGET LESS ACTUAL 02</b>
<b>RESOURCES</b>				
General Fund	\$646,415	\$323,208	\$259,960	\$63,248
Federal	\$584,457	\$292,229	\$229,429	\$62,800
Fish and Wildlife	\$396,405	\$198,203	\$184,277	\$13,926
Administration Fund	\$413,000	\$206,500	\$206,500	\$0
Groundwater Fund	\$84,040	\$42,020	\$38,918	\$3,102
Other	\$264,157	\$132,079	\$120,538	\$11,541
<b>TOTAL RESOURCES</b>	<b>\$2,388,474</b>	<b>\$1,194,237</b>	<b>\$1,039,622</b>	<b>\$154,615</b>
<b>EXPENDITURES</b>				
Personnel	\$1,380,667	\$690,334	\$660,223	\$30,111
Extra Help	\$98,478	\$49,239	\$18,470	\$30,769
Support	\$866,929	\$433,465	\$353,749	\$79,716
Contracts	\$0	\$0	\$0	\$0
Equipment	\$42,400	\$21,200	\$7,180	\$14,020
<b>TOTAL EXPENDITURES</b>	<b>\$2,388,474</b>	<b>\$1,194,237</b>	<b>\$1,039,622</b>	<b>\$154,615</b>

<b>ENERGY AND GEOLOGY THROUGH DECEMBER 31, 2001</b>	<b>FY 02 BUDGET</b>	<b>FY 02 BUDGET THRU DEC</b>	<b>FY 02 ACTUAL THRU DEC</b>	<b>02 BUDGET LESS ACTUAL 02</b>
<b>RESOURCES</b>				
General Fund	\$1,688,839	\$844,420	\$851,457	(\$7,038)
Federal	\$3,319,560	\$1,659,780	\$953,677	\$706,103
Oil Overcharge	\$147,856	\$73,928	\$53,344	\$20,584
Bonding Programs	\$69,148	\$34,574	\$48,490	(\$13,916)
Groundwater Fund	\$245,686	\$122,843	\$77,577	\$45,266
Other	\$366,630	\$183,315	\$156,002	\$27,313
<b>TOTAL RESOURCES</b>	<b>\$5,837,719</b>	<b>\$2,918,860</b>	<b>\$2,140,547</b>	<b>\$778,313</b>
<b>EXPENDITURES</b>				
Personnel	\$3,469,426	\$1,734,713	\$1,556,860	\$177,853
Extra Help	\$32,000	\$16,000	\$11,136	\$4,864
Support	\$582,068	\$291,034	\$209,534	\$81,500
Contracts	\$1,562,913	\$781,457	\$317,198	\$464,259
Equipment	\$191,312	\$95,656	\$45,819	\$49,837
<b>TOTAL EXPENDITURES</b>	<b>\$5,837,719</b>	<b>\$2,918,860</b>	<b>\$2,140,547</b>	<b>\$778,313</b>

<b>ENVIRONMENTAL PROTECTION THROUGH DECEMBER 31, 2001</b>	<b>FY 02 BUDGET</b>	<b>FY 02 BUDGET THRU DEC</b>	<b>FY 02 ACTUAL THRU DEC</b>	<b>02 BUDGET LESS ACTUAL 02</b>
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<b>RESOURCES</b>				
General Fund	\$4,523,995	\$2,261,998	\$2,304,701	(\$42,704)
Federal	\$9,568,477	\$4,784,239	\$3,791,510	\$992,729
Air Contaminant Fees	\$6,726,516	\$3,363,258	\$2,340,613	\$1,022,645
Groundwater Fund	\$965,935	\$482,968	\$403,329	\$79,639
Water Protection Fund	\$1,688,086	\$844,043	\$573,996	\$270,047
Operator Certification Fees	\$233,028	\$116,514	\$60,862	\$55,652
Manure Certification Program	\$95,075	\$47,538	\$16,748	\$30,790
Stormwater Permit Fees	\$828,514	\$414,257	\$322,441	\$91,816
Well Contractor Fees	\$26,074	\$13,037	\$9,446	\$3,591
Water Supply Lab. Cert. Fees	\$195,982	\$97,991	\$13,427	\$84,564
<b>TOTAL RESOURCES</b>	<b>\$24,851,682</b>	<b>\$12,425,841</b>	<b>\$9,837,073</b>	<b>\$2,588,768</b>
<b>EXPENDITURES</b>				
Personnel	\$13,663,643	\$6,831,822	\$5,997,003	\$834,819
Extra Help	\$0	\$0	\$0	\$0
Support	\$3,702,314	\$1,851,157	\$1,530,219	\$320,938
Contracts	\$6,709,425	\$3,354,713	\$2,206,747	\$1,147,966
Equipment	\$776,300	\$388,150	\$103,104	\$285,046
<b>TOTAL EXPENDITURES</b>	<b>\$24,851,682</b>	<b>\$12,425,841</b>	<b>\$9,837,073</b>	<b>\$2,588,768</b>

<b>FISH AND WILDLIFE THROUGH DECEMBER 31, 2001</b>	<b>FY 02 BUDGET</b>	<b>FY 02 BUDGET THRU DEC</b>	<b>FY 02 ACTUAL THRU DEC</b>	<b>02 BUDGET LESS ACTUAL 02</b>
<b>RESOURCES</b>				
Fish and Wildlife Trust Fund	\$25,430,164	\$12,715,082	\$11,678,130	\$1,036,952
Corps Condition 5 Funds	\$464,766	\$232,383	\$249,527	(\$17,144)
<b>TOTAL RESOURCES</b>	<b>\$25,894,930</b>	<b>\$12,947,465</b>	<b>\$11,927,657</b>	<b>\$1,019,808</b>
<b>EXPENDITURES</b>				
Personnel	\$17,520,789	\$8,760,395	\$7,966,321	\$794,074
Extra Help	\$1,222,046	\$611,023	\$603,214	\$7,809
Support	\$5,520,977	\$2,760,489	\$2,727,785	\$32,704
Contracts	\$638,307	\$319,154	\$288,998	\$30,156
Equipment	\$992,811	\$496,406	\$341,339	\$155,067
<b>TOTAL EXPENDITURES</b>	<b>\$25,894,930</b>	<b>\$12,947,465</b>	<b>\$11,927,657</b>	<b>\$1,019,808</b>

<b>FORESTRY THROUGH DECEMBER 31, 2001</b>	<b>FY 02 BUDGET</b>	<b>FY 02 BUDGET THRU DEC</b>	<b>FY 02 ACTUAL THRU DEC</b>	<b>02 BUDGET LESS ACTUAL 02</b>
<b>RESOURCES</b>				
General Fund	\$1,790,477	\$895,239	\$918,222	(\$22,984)
Federal	\$522,076	\$261,038	\$261,038	\$0
Forestry Enhancement Fund	\$321,770	\$160,885	\$176,185	(\$15,300)
Forestry Receipts	\$1,131,000	\$565,500	\$565,500	\$0
Other	\$126,031	\$63,016	\$32,691	\$30,325
<b>TOTAL RESOURCES</b>	<b>\$3,891,354</b>	<b>\$1,945,677</b>	<b>\$1,953,636</b>	<b>(\$7,959)</b>
<b>EXPENDITURES</b>				
Personnel	\$2,624,658	\$1,312,329	\$1,210,303	\$102,026



Extra Help	\$133,752	\$66,876	\$107,631	(\$40,755)
Support	\$1,032,651	\$516,326	\$530,413	(\$14,088)
Contracts	\$4,200	\$2,100	\$3,466	(\$1,366)
Equipment	\$96,093	\$48,047	\$101,823	(\$53,777)
<b>TOTAL EXPENDITURES</b>	<b>\$3,891,354</b>	<b>\$1,945,677</b>	<b>\$1,953,636</b>	<b>(\$7,959)</b>

<b>PARKS PRESERVES AND RECREATION THROUGH DECEMBER 31, 2001</b>	<b>FY 02 BUDGET</b>	<b>FY 02 BUDGET THRU DEC</b>	<b>FY 02 ACTUAL THRU DEC</b>	<b>02 BUDGET LESS ACTUAL 02</b>
<b>RESOURCES</b>				
General Fund	\$6,203,739	\$3,268,955	\$2,918,015	\$350,941
Federal	\$200,890	\$104,834	\$85,295	\$19,539
Park Receipts	\$4,393,625	\$2,196,813	\$2,196,813	\$0
Infrastructure	\$62,649	\$31,325	\$33,148	(\$1,824)
Other	\$189,290	\$88,081	\$71,938	\$16,143
<b>TOTAL RESOURCES</b>	<b>\$11,050,193</b>	<b>\$5,690,007</b>	<b>\$5,305,208</b>	<b>\$384,799</b>
<b>EXPENDITURES</b>				
Personnel	\$6,020,388	\$3,010,194	\$2,814,779	\$195,415
Extra Help	\$1,248,599	\$789,210	\$789,210	\$0
Support	\$3,205,228	\$1,602,614	\$1,571,116	\$31,498
Contracts	\$162,678	\$81,339	\$39,980	\$41,359
Equipment	\$413,300	\$206,650	\$90,123	\$116,527
<b>TOTAL EXPENDITURES</b>	<b>\$11,050,193</b>	<b>\$5,690,007</b>	<b>\$5,305,208</b>	<b>\$384,799</b>

<b>WASTE MANAGEMENT THROUGH DECEMBER 31, 2001</b>	<b>FY 02 BUDGET</b>	<b>FY 02 BUDGET THRU DEC</b>	<b>FY 02 ACTUAL THRU DEC</b>	<b>02 BUDGET LESS ACTUAL 02</b>
<b>RESOURCES</b>				
Groundwater Fund	\$2,518,240	\$1,259,120	\$971,782	\$287,338
Federal	\$1,503,111	\$751,556	\$566,904	\$184,652
Groundwater Professional Regis.	\$77,834	\$38,917	\$24,825	\$14,092
Hazardous Waste Remedial Fund	\$567,022	\$283,511	\$241,902	\$41,609
Waste Tire Permitting	\$2,000	\$1,000	\$988	\$12
LUST Insurance Fund	\$75,000	\$37,500	\$75,000	(\$37,500)
Land Recycling Fund	\$9,040	\$4,520	\$2,152	\$2,368
Waste Volume Reduction Fund	\$183,393	\$91,697	\$70,761	\$20,936
Waste Tire Program	\$64,307	\$32,154	\$28,162	\$3,992
<b>TOTAL RESOURCES</b>	<b>\$4,999,947</b>	<b>\$2,499,974</b>	<b>\$1,982,476</b>	<b>\$517,498</b>
<b>EXPENDITURES</b>				
Personnel	\$3,179,228	\$1,589,614	\$1,465,954	\$123,660
Extra Help	\$174,029	\$87,015	\$82,300	\$4,715
Support	\$994,181	\$497,091	\$291,910	\$205,181
Contracts	\$534,609	\$267,305	\$111,121	\$156,184
Equipment	\$117,900	\$58,950	\$31,191	\$27,759
<b>TOTAL EXPENDITURES</b>	<b>\$4,999,947</b>	<b>\$2,499,974</b>	<b>\$1,982,476</b>	<b>\$517,498</b>

Linda Hanson presented the quarterly status report to the Commission. She said one area of concern is in the Parks Division. Their budget was submitted contingent upon the camping receipts increasing their revenues. Although there has been some increase in revenue it falls considerably short of the projected figures. Many of the other divisions have taken steps to curtail their spending so that they may be able to assist the Parks Division if necessary at the end of the fiscal year.

<b>INFORMATIONAL ONLY</b>
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**NOTICE OF INTENDED ACTION – CHAPTER 106, RECYCLING OPERATION (RESCISSION); CHAPTER 104, SANITARY DISPOSAL PROJECTS WITH PROCESSING FACILITIES (AMENDMENT); CHAPTER 106, TRANSFER STATIONS & CITIZEN CONVENIENCE CENTERS (ADOPTION)**

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

Attached for the Commission's information is a Notice of Intended Action for the rule making stated above. The Commission will be requested to approve this Notice of Intended Action at its February meeting to begin the formal rule making process on the attached proposed rules.

In response to the need to update and clarify existing administrative rules as directed by the Governor's Executive Order 8, the following brief and attachment are presented.

The Department held two advisory committee meetings. The 14-member advisory committee was comprised of representatives from solid waste agencies with transfer stations, consulting engineers, solid waste hauling and collection companies, private sector transfer stations, the Iowa Society of Solid Waste Operations (ISOSWO), and the department. The diversity of the committee ensured that all stakeholder groups had input in the rule revision process and all appropriate issues related to the transfer of solid waste would be addressed.

Highlights of the rules revisions include:

- Adding and modifying definitions of key terms;
- New operator certification and training requirements;
- Clarification and new rules pertaining to siting and design requirements;
- Clarification and new rules pertaining to operation, record keeping and reporting; and
- Clarification and new rules pertaining to closure and financial assurance.

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Liz Christiansen briefed the Commission on the item. She said a transfer station is a fixed location facility that accepts waste for consolidation to transfer to a final disposal area. A public hearing for this rule will be held on April 9, 2002 at 3:00 p.m. in the conference room on the fifth floor of the Wallace Building.

*Motion was made by Rita Venner to approve the notice of intended action as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **CONTRACTS -- SOLID WASTE ALTERNATIVES PROGRAM RECOMMENDATIONS FOR FUNDING**

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

The Department received fifteen (15) proposals, requesting over \$2,100,000 in financial assistance, for consideration during the January 2002 round of funding. Nine (9) applicant projects were selected for further review. If approved they will receive \$1,213,005 in a combination of forgivable loans, zero interest loans, and 3% interest loans.

The review committee consisted of six persons representing the Waste Management Assistance Bureau (Valerie Drew, Laura Juliano), Iowa Society of Solid Waste Operations (Scott Smith), Iowa Recycling Association (Kevin Officer), and the Iowa Waste Exchange (Jim Reimer).

The table below summarizes recommendations by applicant and project type and by the type of award.

<b>Recommended By Applicant Type</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Local Government	2	\$354,210	\$40,000
Private For Profit	6	\$833,795	\$109,233
Private Not For Profit	1	\$25,000	\$20,000
<b>Recommended By Project Type</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Best Practices	7	\$1,152,655	\$129,233
Education	1	\$25,000	\$20,000
Market Development	1	\$35,350	\$20,000
<b>Type of Award</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Forgivable loan only	1	\$9,233	\$9,233
Forgivable & Zero Interest Loan	3	\$301,674	\$60,000
Forgivable, Zero, 3% Interest loan	5	\$902,098	\$100,000

At this time, the Department is requesting Commission approval to enter into contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of business plans, negotiation of budget, match, deliverables, and other requested information.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received but not recommended for funding.

(A copy of the recommendations are available in the Department's Record Center.)

Liz Christiansen said the Department received 15 applications and is recommending the approval of 9 projects.

Brief discussion followed.

*Motion was made by James Braun to approve the contract as presented. Seconded by Lisa Davis-Cook. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**CONTRACT -- TOXIC CLEANUP DAY CONTRACT AMENDMENT**

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

The Department of Natural Resources is requesting approval to amend a contract with Metro Waste Authority Regional Collection Center to provide hazardous waste collection and disposal services for Department sponsored Toxic Cleanup Days. The amendment will add three events to be held in Appanoose, Clay, and Woodbury counties in the spring of 2002. The contract amount is not to exceed \$31,000. Toxic Cleanup Day host counties are required to provide a cost share for the event based upon the number of households in the county and the number of previous TCD events held.

**Background**

Toxic Cleanup Days are one day events to provide households and farms a safe and environmentally responsible way to dispose of household hazardous materials. It also provides an opportunity to educate the public about using safer alternatives, buying only what is needed, and safe use, storage, and disposal of household hazardous materials.

**Site Selection**

The department received four applications to host toxic cleanup Days. The following three sites were selected.

**Appanoose County**

Organization:	Rathbun Area Solid Waste Commission
Date:	May 18
Location:	Appanoose County Fairgrounds
Local cost share	\$1,4334.25
DNR Share	Not to exceed \$15,000

**Clay County**

Organization:	Clay County Zoning and Environmental
Date:	April 27
Location:	Solid Waste Transfer Station
Local cost share	\$5,444.25
DNR Share	Not to exceed \$15,000

**Woodbury County**

Organization: City of Sioux City and  
Woodbury County Solid Waste Agency  
Date: May 11  
Location: Environmental Services Field Headquarters  
Local cost share \$29,363.25  
DNR Share Not to exceed \$1,000

At this time, the Department is requesting Commission approval to amend the contract with Metro Waste Authority to provide Toxic Cleanup Day collection and disposal services for the events to be held in the spring of 2002

Liz Christiansen said this amendment would add three toxic cleanup day events to the existing contract with Metro Waste Authority.

*Motion was made by Kathryn Murphy to approve the amendment as presented. Seconded by Kelly Tobin. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**ADVANCED ENVIRONMENTAL TECHNOLOGY AT THE IOWA ARMY AMMUNITION PLANT – APPLICATION FOR SITE LICENSE (APPOINTMENT OF TEMPORARY COMMISSIONERS)**

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

The department has received notification of the names and addresses of the temporary commissioners to be appointed for the review of the application for a site license for a hazardous waste treatment facility that was submitted by Advanced Environmental Technology pursuant to Division IV, Part 6 of Chapter 455B of the Code of Iowa and Chapter 567-150 of the Iowa Administrative Code. The proposed facility is to be located at the Iowa Army Ammunition Plant in Des Moines County.

The Commission will be provided the names of the temporary commissioners at the February 18, 2002 regularly scheduled meeting.

John Tack from the Environmental Compliance and Enforcement Bureau told the Commission that both Middletown and Des Moines County were eligible to appoint up to two temporary Commissioners each to sit at the hearing for the permit. Des Moines County has appointed Dennis Finkle and Dean Vickstrom to serve in this capacity and the Town of Middletown has chosen not to make an appointment. He briefed the Commission on the status of the application. He said although this operation has been on site for quite some time and has received a permit to operate, they are not operating at this time because of an upgrade the process. This upgrade is being tested prior to going to full production.

<b>INFORMATION ONLY</b>
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**PUBLIC PARTICIPATION****Marty Danzer (Livestock Issues)**

Marty Danzer said as a grain and livestock producer in West Central Iowa, he is very concerned about the recommendations suggested by the EPC and the DNR. These recommendations would lead to future consolidation of the livestock and grain of industry and he had some concern as to whether these recommendations were based on scientifically or emotionally based data. The livestock industry is the oldest value added agriculture sector in the State of Iowa. The larger operations have financial resources, attorneys, and consultants to make sure their operations are in compliance. The small to medium sized operations do not have access to those resources so new regulations would force them to get out of the livestock business.

**David Seil (Livestock Issues)**

David Seil said he runs a small livestock feeding operation and he is very concerned that additional air quality regulations would put the smaller producers out of business. They are already dealing with comprehensive nutrient management plans and these regulations could cost the average producer \$25,000 for the first five years to design and implement.

**Hubert Hagemann (Air Quality Study)**

Hubert Hagemann said he and his wife farm right outside the city of Carroll and are involved in two large animal feeding operations. He read a prepared statement that indicated he was against further regulations of animal agriculture based on the air quality study.

(A copy of Mr. Hagemann's written comments are available in the Department's Record Center.)

**Heidi Vittetoe (Air Quality Study)**

Heidi Vittetoe said she agreed with the statements the Commission had just heard. In addition, she pointed out that, Iowa has not grown in total pork population in the past fifty years; ownership has simply become more concentrated. The modern facilities that house the pigs are a huge improvement to those of the past and there is nothing dangerous about them. She said there are already a lot of creative arrangements going on between cooperatives and small communities to keep young people in Iowa and keep an industry that puts money back into the State Treasury.

**Wayne Arnold (Livestock Issues)**

Wayne Arnold said he had concerns about the emission standards and air quality rules because of the misinformation and the slanted bias that is given to the public. He said he lives less than a quarter of a mile north of a 5,600-head sow unit and approximately 360 days per year there is no odor.

**Rob Brenneman (Air Quality Study)**

Rob Brenneman said he would not like to see additional regulations impact the pork producers any more than they already have.

**Dale Larsen (Air Quality Study)**

Dale Larsen said he is a small family farmer and he produces hogs using both the new and the old style of confinement units. The pigs will consistently take two or three weeks longer in the old style facilities. He said if the environment in these confinements is so bad why have the pigs done so much better in the new facilities than in the old. Any additional rules or regulation will cause the small producers to go out of business first.

**Elizabeth Horton Plasket (Air Quality Study)**

Elizabeth Horton Plasket, Executive Director of the Iowa Environmental Council read a prepared statement in favor of the findings from the Iowa Concentrated Animal Feeding Operations Air Quality Study.

(A copy of the statement is available in the Department's Record Center.)

**Erin Jordal (Air Quality Study)**

Erin Jordal, Director of the Iowa Chapter Sierra Club read a prepared statement in favor of the "Iowa Concentrated Animal Feeding Operations Air Quality Study."

(A copy of the statement is available in the Department's Record Center.)

**Leland Little (Air Quality Study)**

Leland Little, Taylor County Supervisor distributed a letter from the Iowa Citizens for Community Improvement. He said he would like to thank the Commission for passing the rules on the submission of manure management plans prior to construction. During these difficult financial times he would like the Department to know that there are County people who are trained and he would like to offer their assistance to the DNR in the enforcement of the regulations. He asked those people who have spoken out against the report to get a complete copy of the report because he is amazed at the research that has been done not only in Iowa but all over the world. He said the Universities should be applauded for compiling the information.

(A copy of the letter is available in the Department's Record Center.)

**FINAL RULE— CHAPTER 20, "SCOPE OF TITLE—DEFINITIONS—FORMS—RULES OF PRACTICE," CHAPTER 22, "CONTROLLING POLLUTION," CHAPTER 23, "EMISSION STANDARDS FOR CONTAMINANTS" AND CHAPTER 25, "MEASUREMENT OF EMISSIONS," (*UPDATES, REVISIONS, AND ADDITIONS*)**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the proposed amendments to Chapter 20, "Scope of Title—Definitions—Forms—Rules of Practice," Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants" and Chapter 25, "Measurement of Emissions," Iowa Administrative Code (567).

This rulemaking contains the following:

- an update to existing dates associated with regulations in the Iowa Administrative Code which are adopted by reference to the federal regulations
- adoption by reference of two federal new source performance standards (NSPS)– for commercial and industrial solid waste incineration units and for new small municipal waste combustion units
- adoption by reference of five new national emission standards for hazardous air pollutants (NESHAP) for chemical recovery combustion sources at Kraft, soda, sulfite, and stand-alone semichemical pulp mills, for secondary aluminum production, for manufacturing of nutritional yeast; for solvent extraction for vegetable oil production; and, for boat manufacturing
- clarification of when the department should be notified in regard to the installation and operation of an emission unit. Information the department requires has been included in the regulations.
- clarification that Title V fees are not required for particulate matter (PM) except for PM10
- corrects the use of the terms “particulate matter” and “total suspended particulate”
- deletes the reference to an open burning variance request form. This amendment is only administrative and does not change any of the existing open burning regulations.

The Notice of Intended Action was published as IAB Vol. XXIV No. 12 (12/12/2002) p. 878, ARC 11919B. An information meeting was held on October 17, 2001, and a public hearing was held on January 10, 2002, at the Air Quality Bureau in Urbandale. The comment period closed on January 25, 2002. No oral and written comments were received pertaining to the proposed rules. The following amended regulations are presented as they were contained in the notice of intended action.

(A copy of the Final Rule is available in the Department’s Record Center.)

Mike Valde briefed the Commission on the rules. He said the Department received no written or verbal comments for these rules.

*Motion was made by James Braun to approve the final rule as presented. Seconded by Lori Glanzman Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **NOTICE OF INTENDED ACTION – CHAPTER 22, CONTROLLING POLLUTION (TITLE V INSIGNIFICANT ACTIVITIES RULE)**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action to amend Chapter 22, “Controlling Pollution” 567 Iowa Administrative Code.

The purpose of this rulemaking is to clarify the Title V insignificant activities by condensing some of the sections and adding a general introduction to the rule. Secondly, this rulemaking adds more categories of insignificant activities to subrule 22.103(1). Finally, this rulemaking revises the insignificant emission levels found in subrule 22.103(2).



This rulemaking is the result of a cooperative process between the department and representatives of the Iowa Association of Business and Industry (ABI). Both the department and ABI are interested in reducing the regulatory burden on industry where the emissions of air contaminant sources are likely to have little impact.

A public hearing will be held on April 24, 2002 at 10:30 am in conference rooms 3 and 4 at the Air Quality Bureau offices in Urbandale. The comment period on these rules will close May 3, 2002.

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Mike Valde briefed the Commission on the proposed rule.

*Motion was made by James Braun to approve the notice of intended action as presented. Seconded by Kelly Tobin. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **FINAL RULE - CHAPTER 132, TRANSPORTATION OF RADIOACTIVE MATERIALS IN IOWA**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the rescission of Chapter 132, "Transportation of Radioactive Materials in Iowa" 567 Iowa Administrative Code.

Governor Vilsack required agencies to conduct a rules review assessment in order to eliminate unnecessary and redundant rules. As a result of the review, it was determined that Chapter 132 may be rescinded.

The Iowa Department of Public Health has authority to establish policy for the transportation, storage, handling, and disposal of radioactive material for the purpose of protecting the public health and safety. This authority is granted by Iowa Code Chapter 136C and in conjunction with agreements between Iowa Department of Transportation and the U.S. Nuclear Regulatory Commission. The Iowa Department of Natural Resources currently delegates all of its authority in this area to the Iowa Department of Public Health through a 28E agreement.

The Department also plans to rescind Code of Iowa 455B, Division IV, Solid Waste Disposal, Part 2, Radioactive Waste, during the upcoming legislative session.

Department staff appeared before the Administrative Rules Committee on December 11, 2001. No comments were forthcoming by neither the committee nor the public. No responses were received during the public comment period. Public hearings were not held regarding this item.

(A copy of the Final Rule is available at the Department's Record Center)

Mike Valde said the Department received no public comments on this rule.

*Motion was made by Kathryn Murphy to approve the final rule as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**CONTRACT – AGRICULTURAL RESOURCE AND ENVIRONMENTAL SYSTEMS – FLOOD HAZARD MAPS.**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be requested to approve an inter-governmental agreement for the preparation of flood hazard maps for three Iowa counties. The agreement will be with the Center for Agricultural, Resource, and Environmental Systems (CARES), a research group affiliated with the University of Missouri for an amount not to exceed \$78,750.

This project will produce approximate-boundary flood maps for Hamilton, Grundy, and Tama Counties. These counties currently have no flood hazard boundary maps for their unincorporated areas and, as a result, participation in the National Flood Insurance Program is difficult because the floodplain management requirement counties must adopt as a condition of participation. The maps will be produced through an automated Geographic Information System (GIS) method. In addition to the mapping products that will result from this contract, CARES will also transfer the technology and processes they have developed to the Department. This technology will enable the Department to participate in future mapping with funding from FEMA and other funding sources to accelerate the production of flood hazard maps for the 30 Iowa counties that currently have none.

Funding for the agreement will be provided by the Federal Emergency Management Agency (FEMA) through the Cooperative Technical Community (CTC) program grant. The total amount of the grant is \$78,750.

CARES began to work on this project with the understanding that Iowa's Information Technology Department (ITD) would administer the project with the FEMA grant funds. Before an agreement was finalized between CARES and ITD, ITD decided they did not want to participate in the project. DNR staff experienced in both flood plain mapping and GIS applications visited CARES and were impressed by the process CARES had developed. Recognizing the value of this work, Department staff agreed to assume the contract management role and had the FEMA grant transferred to the Department.

Mike Valde briefed the Commission on the contract.

*Motion was made by James Braun to approve the contract as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**CONTRACT – WILLIAMS AND COMPANY, CPA, P.C. - ONSITE WASTEWATER SYSTEM LOAN PROGRAM**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve a contract with a financial agent for the Onsite Wastewater Treatment System Assistance Program established in 2000 as 567 IAC Chapter 93. This chapter establishes a low-interest loan program for improving and rehabilitating private onsite wastewater systems (septic systems) that would be implemented through a linked deposit program with local financial institutions.

The financial agent will be responsible for the transfer of funds as needed from the Onsite Wastewater Assistance Fund to local lenders who issue loans at interest rates not to exceed 3% to individual borrowers. To capitalize the fund, \$600,000 in infrastructure funds appropriated for this purpose by the 2000 GA will be used as a state match for \$3,000,000 in EPA revolving loan grant funds. The financial agent will also maintain information on each individual loan issued and manage an operating account of up to \$100,000.

The Commission originally approved a Notice of Intended Action to establish the onsite loan program in 2000. A subsequent informal opinion from the Attorney General's Office stated that the Department did not have adequate statutory authority to establish a revolving loan fund for the onsite program, so legislation providing such authority was introduced and approved in the 2001 legislative session and the rules were finalized in October 2001.

An additional concern arose as to whether the Department could assume the risk for loans made under the program, as provided in the adopted rules. Another informal opinion from the Attorney General's Office in July of 2001 concluded that an agency of the state could not do so without violating Article VII, Section 1 of the Iowa Constitution. The rules were amended in October of 2001 to avoid this conflict.

As the Department does not have the staff to administer this linked deposit program and discussions with both the Treasurer's office and the Iowa Financial Authority indicated neither could assist the Department in this respect, it was determined that hiring a financial agent on contract would be the best approach. A request for proposals (RFP) to manage the flow of funds from the OSWAF to local lenders was issued and three proposals were received. Representatives of the Department, the Iowa Finance Authority, the IFA's bond counsel, and the Treasurer's office evaluated the proposals and two firms were asked to amend their proposals and resubmit them. As a means of reducing program costs, it was decided to keep the OSWAF with the State Treasurer's Office and to hire a financial agent only to manage an operating account capped at \$100,000.

Based on the recommendations of the selection committee, it is recommended that the Commission approve a three-year contract with Williams and Company, CPA, P.C., of Spencer, Iowa. The amount of the contract will vary from year to year based on the number of borrowers and on the size of the fund, but will be approximately \$65,000 per year.

Mike Valde briefed the Commission on the contract.

Brief discussion followed.

*Motion was made by Kelly Tobin to approve the contract as presented. Seconded by James Braun. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **INTENDED USE PLAN - FY 2001 CLEAN WATER STATE REVOLVING FUND - AMENDMENT**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve an amendment to the FFY 2001 Clean Water SRF Intended Use Plan (IUP) that will add 19 wastewater projects to the list of eligible projects. The projects and the requested loan amounts are included on the attachment to this brief. The projects to be added were originally intended to be placed on the 2002 IUP but the restructuring of the SRF program (recently completed by the IFA) and the resulting IUP changes requested by the EPA have delayed the completion of the FY 2002 IUP. This amendment will allow these projects to proceed without having to wait until they can be incorporated into the FY 2002 IUP.

The proposed amendment was put on public notice allowing for the required 30 days and this notice period will expire before the date of the Commission meeting. The notice was also sent directly to all names on the list. No adverse comments are anticipated. EPA had no comments and found the amendments acceptable.

Mike Valde briefed the commission on the purpose for the amendment.

*Motion was made by James Braun to approve the amendment as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **NOTICE OF INTENDED ACTION – CHAPTER 65, ANIMAL FEEDING OPERATIONS (DEFINITION OF ADJACENCY FOR OPEN FEEDLOTS)**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Adjacency definitions do not include criteria to determine when two open feedlots are deemed to be one operation. This issue has arisen during the open feedlot registration program and needs to be addressed. In particular, the issue of defining how closely two open feedlots, including any solids settling basin, can be located to each other before they are considered to be one facility. Rules and law already exist in this area for confinement feeding operations. It is proposed that the same rules that apply to confinement facilities be applied to open feedlots.

Briefly stated, if two open feedlots, including any solids settling basin, are separated at their closest points by less than 1,250 feet, they are considered to be one operation and pursuant to 567 – 65.4(455B), may be required to have an operation permit.

It is recommended that this proposal be sent to public hearing for gathering public input into this proposal.

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Mike Valde briefed the Commission on the Notice of Intended Action.

Gary Priebe said he does not agree with the Department's reasoning and believe that if facilities should be considered as one if they are close enough for the manure to commingle.

Mike Valde said the public hearing for this rule is scheduled for April 17<sup>th</sup> at 1:00 at the Wallace 5<sup>th</sup> floor conference rooms.

Kathryn Murphy asked if additional hearings had been scheduled throughout the state.

Reza Khosravi said that they have not scheduled additional hearings to date but they would be willing to if there was a need.

*Motion was made by Rita Venner to approve the Notice of Intended Action as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **PROPOSED CONTESTED CASE DECISION – AFFORDABLE ASBESTOS REMOVAL INC**

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On June 25, 1999, the department issued Administrative Order No. 1999-AQ-15 to Affordable Asbestos Removal, Inc. The Order required compliance with asbestos NESHAPS rules and assessed a \$10,000 penalty. Affordable Asbestos appealed the Order, and the matter proceeded to administrative hearing on April 28, 2000. The Administrative Law Judge issued a Proposed Decision on June 2, 2000. The decision affirmed the Order, with the exception of reducing the penalty to \$6,100. The decision was appealed to the Commission and was affirmed. The decision was appealed to the Linn County District Court, which affirmed it in part, and reversed and remanded it in part, on July 9, 2001. The appellant appealed that decision to the Iowa Supreme Court, and asked that Court to stay the administrative proceedings until after the Supreme Court decided the case. On November 27, 2001, the Iowa Supreme Court denied the motion for stay.

On remand, the Administrative Law Judge issued the attached Proposed Decision on Remand, on January 4, 2002. The decision further reduces the penalty to \$3,100. Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mike Murphy briefed the Commission on the case

The Commission took no action, which had the affect of upholding the Administrative Law Judge's decision.

<b>DECISION UPHELD</b>
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## **REFERRALS TO THE ATTORNEY GENERAL**

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confident pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1) (c).

### **Bauer, Michael (Davenport) – underground storage tanks**

Mike Murphy said that the penalties in this case have not been received by the Department, so the next step in the process is to refer it to the Attorney General

<i>Motion was made by Kathryn Murphy to refer Michael Bauer to the Attorney General. Seconded by Darrell Hanson. Motion carried unanimously.</i>
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<b>REFERRED</b>
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### **City of Lamoni (Tabled)**

<i>Motion was made by Darrell Hanson to remove the City of Lamoni Referral from the table. Seconded by Kathryn Murphy. Motion carried unanimously.</i>
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<b>REMOVED FROM TABLE</b>
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Mike Murphy said that the Department and the City of Lamoni have been able to reach an agreement and the Department will withdraw the motion to refer.

<b>REFERRAL WITHDRAWN</b>
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## **MONTHLY REPORTS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

Proposal	Notice to Commission	Notice Published	ARC #	Rules Review Committee	Hearing	Comment Period	Summary to Commission	Final Rules Adopted	Rules Published	A R C #	Rules Review Committee	Rule Effective
1. Ch. 1, 9 and 11 – EPC Quorum Voting Requirements	9/17/01	10/17/01	1020B	11/13/01	11/08/01	11/19/01	*3/18/02	*3/18/02	*4/17/02		*5/07/02	*5/22/02
2. Ch. 20, 22, 23, and 25 – Air Quality Updates, Revisions and Additions	11/19/01	12/12/01	1191B	1/08/02	1/10/02	1/25/02	2/18/02	*2/18/02	*3/20/02		*4/09/02	*4/24/02
3. Ch. 22 – Exempt Small Emission Units and Indoor Sources from AQ Construction Permitting	9/17/01	10/17/01	1024B	11/13/01	11/26/01	11/30/01	*3/18/02	*3/18/02	*4/17/02		*5/07/02	*5/22/02
4. Ch. 22 – Title V Insignificant Activities	2/18/02	*3/20/02		*4/09/02			*5/20/02	*5/20/02	*6/12/02		*7/09/02	*7/17/02
5. Ch. 44, 92 & 93 – State Revolving Funds for Drinking Water, Wastewater and On-Site Systems	10/22/01	11/14/01	1122B	12/11/01	12/04/01	12/04/01	*3/18/02	*3/18/02	*4/17/02		*5/07/02	*5/22/02
6. Ch. 61 – WQ Standards – Section 404 Permits	12/17/01	1/09/02		2/04/02	1/29/02 1/30/02 2/1/02 2/04/02 2/05/02 2/06/02	2/18/02	*3/18/02	*3/18/02	*4/17/02		*5/07/02	*5/22/02
7. Ch. 61A – WQ Assessment Qualified Volunteers	12/17/01	2/06/02		*3/05/02	2/27/02 3/01/02 3/07/02	*3/07/02	*4/15/02	*4/15/02	*5/15/02		*6/04/02	*6/19/02
8. Ch. 65 – Proposed Fee Increase for Certified Manure Applicators	1/22/02	2/20/02		*3/05/02	*3/20/02	*3/12/02	*4/15/02	*4/15/02	*5/15/02		*6/04/02	*6/19/02
9. Ch. 65 – Definition of Adjacency for Open Feedlots	2/18/02	*3/20/02		*4/09/02			*5/20/02	*5/20/02	*6/12/02		*7/09/02	*7/17/02
10. Ch. 104, 106 – Recycling Operations	2/18/02	*3/20/02		*4/09/02			*5/20/02	*5/20/02	*6/12/02		*7/09/02	*7/17/02
11. Ch. 105 – Organic Materials Composting Facilities	1/22/02	2/20/02		*3/05/02	*3/14/02	*3/14/02	*4/15/02	*4/15/02	*5/15/02		*6/04/02	*6/19/02
12. Ch. 107 – Beverage Container Deposits	12/17/01	1/09/02	1246B	2/08/02	1/29/02	1/29/02	*3/18/02	*3/18/02	*4/17/02		*5/07/02	*5/14/02
13. Ch. 109 – Special Waste Authorizations	11/19/01	12/12/01	1190B	1/08/02	1/03/02	1/04/02	*3/18/02	*3/18/02	*4/17/02		*5/07/02	*5/22/02
14. Ch. 111 – Financial Assurance Requirements for Municipal SW Landfills	12/17/01	1/09/02	1263B	2/04/02	2/12/02	2/12/02	*3/18/02	*3/18/02	*4/17/02		*5/07/02	*5/14/02
15. Ch. 117, Ch. 219 – Waste Tire Management	1/22/02	2/20/02		*3/04/02	*3/12/02	*3/12/02	*4/15/02	*4/15/02	*5/15/02		*6/04/02	*6/19/02
16. Ch. 118 – Shredding of Appliances							1/22/02	1/22/02	2/20/02		*3/05/02	*2/01/02
17. Ch. 119, 144, 210, 211, 212 & 214 – Waste Management Asst. Division Rule Revisions	9/17/01	10/17/01	1022B	11/13/01	11/27/01	11/27/01	1/22/02	1/22/02	2/20/02		*3/05/02	*3/27/02
18. Ch. 132 – Transportation of Radioactive Materials In Iowa	10/22/01	11/14/01	1123B	12/11/01		12/04/01	2/18/02	*2/18/01	*3/20/02		*4/09/02	*4/24/02
19. Ch. 136 – Financial Responsibility for USTs	12/17/01	1/09/02	1262B	2/08/02	1/29/02	2/01/02	*3/18/02	*3/18/02	*4/02/02		*5/07/02	*5/14/02

### Monthly Variance Report

February, 2002

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	ConAgra Frozen Foods-Council Bluffs	Air Quality		Permit Requirements	Approved	01/03/02
2	MidAmerican Energy-Bettendorf	Air Quality		Permit Requirements	Denied	01/17/02
3	Natural Gas Pipeline Co. of America-Station 199-Letts	Air Quality		Permit Requirements	Approved	01/17/02
4	Osceola Foods-Osceola	Air Quality		Permit Requirements	Approved	01/25/02
5	Moville, City of	Wastewater Construction	DeWild Grant Reckert Engineering	Pumping Station Capacity	Approved	01/16/02
6	Isle of Capri-Storage Building-Marquette	Flood Plain	Jacob Bernhardt, Owner	Protection Level	Cond.Appvl	01/18/02

During the period January 1, 2002, through January 31, 2002, 77 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	73 (60)	9 (3)	51 (42)	13 (14)	28 (22)	36 (32)	2 (0)	0 (1)	2 (1)	5 (4)
November	72 (58)	8 (4)	49 (40)	15 (14)	28 (19)	33 (32)	2 (0)	1 (4)	0 (1)	8 (2)
December	57 (44)	2 (0)	44 (28)	11 (16)	22 (10)	28 (31)	2 (0)	0 (1)	2 (0)	3 (2)
January	77 (55)	3 (7)	57 (36)	17 (12)	21 (13)	50 (33)	0 (0)	2 (0)	0 (0)	4 (9)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	<b>279 (217)</b>	<b>22 (14)</b>	<b>201 (146)</b>	<b>56 (56)</b>	<b>99 (64)</b>	<b>147 (128)</b>	<b>6 (0)</b>	<b>3 (6)</b>	<b>4 (2)</b>	<b>20 (17)</b>

(numbers in parentheses for same period last year)



## Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
11	5	12	7	26	16

\* The "Other" column includes the categories from the database of – Dumping, fire, Theft, Vandalism, Unknown, and Other.

During the period January 1, 2002, through January 31, 2002, 2 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement	Land Application	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	4 (5)	0 (0)	2 (2)	2 (2)	0 (1)	3 (4)	0 (1)	1 (0)	0 (0)	2 (1)
November	10 (3)	1 (0)	2 (2)	3 (1)	3 (0)	8 (3)	1 (0)	0 (0)	0 (0)	1 (1)
December	3 (2)	0 (0)	2 (1)	0 (1)	1 (0)	2 (2)	0 (0)	1 (0)	0 (0)	1 (0)
January	2 (1)	0 (0)	1 (1)	1 (0)	0 (0)	2 (1)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	19 (11)	1 (0)	7 (6)	6 (4)	0 (0)	15 (10)	1 (1)	2 (0)	0 (0)	4 (2)

(numbers in parentheses for the same period last year)

## Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
1	0	0	1	0	0

The following new enforcement actions were taken last month:

Name, Location and Field Office Number Date	Program	Alleged Violation	Action
Ogden Municipal Utilities (5)	Drinking Water	MCL – Bacteria; Public Notice	Order 1/08/02
Salsbury Chemicals Inc., Charles City 92)	Wastewater	Prohibited Discharge	Order/SEP 1/10/02

Brett George d/b/a Cedar Valley Tree Service; John Sohm, Johnson Co. (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$7,000	1/11/02
Partners Four Investments, Inc., Rockwell (2)	Underground Tank	Site Assessment	Order/Penalty \$5,280	1/15/02
Bradley R. Jochum, Salix (2)	Animal Feeding Operation	Land Application Separation Distance	Order/Penalty \$1,600	1/14/02
Pigman, Ltd., Harlan (4)	Animal Feeding Operation	Prohibited Discharge – Confinement	Referred to AG	1/22/02
Wisconsin North, LLC d/b/a National Petroleum Co., Clinton (6)	Underground Tank	UST Closure; Site Check	Referred to AG	1/22/02
Matrix Metal LLC d/b/a Keokuk Steel Castings, Keokuk (6)	Air Quality	Emission Limits	Referred to AG	1/22/02
Keokuk Land Fill, Inc.; Keokuk Contractors, Inc., Keokuk (6)	Solid Waste	Other Violations	Consent Order	1/23/02
Days Inn 2 <sup>nd</sup> Addition, Williamsburg (6)	Drinking Water	Monitoring/Reporting – Bacteria; Operational Violations	Order/Penalty \$10,000	1/23/02
Alva Parker, Ringgold Co., Union Co. (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$10,000	1/23/02

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98

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Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Steve Friesth (Webster Co.)	AQ/SW	4,000	6-05-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
* Rimade, Inc. (Manning)	SW/WW	1,000	8-01-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Coralville Lake Terrace Assoc. (Johnson Co.)	WS	1,500	9-05-00
John Smith d/b/a Four-Corners Tap (Lockridge)	AQ/SW	1,000	9-24-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
American Legion – Swisher Post #671 (Swisher)	WS	500	12-25-00
Sac City, City of	WW	2,400	1-01-01
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
Max Dalhauser (West Bend)	UT	670	5-15-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
* Metro Wrecking d/b/a Metro Wrecking & Excavating (Clive)	AQ	2,000	2-15-02
T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly)	AQ	2,000	7-28-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
*#Roger Bockes, et. al. (Tama Co.)	AFO	2,000	9-15-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Carpenter Bar & Grill (Carpenter)	WS	100	9-28-01
Minnesota Rubber Company (Mason City)	AQ	1,000	9-30-01
* R.V. Hopkins, Inc. (Davenport)	AQ	Int.	10-01-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	10-27-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
Martin Marietta Materials, Inc. (Webster Co.) (SEP)	SW	17,500	11-17-01
* Fred Konfrst d/b/a Fred's Trash Service (Mills Co.)	AQ/SW	500	12-21-01
Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant)	UT	1,000	12-02-01
Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines)	UT	1,000	12-02-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
# Dave Hansel (Hamilton Co.)	AFO	1,300	1-26-02
Advanced Component Technologies (Northwood)	AQ	3,500	1-28-02
Crestview Trailer Park (Ames)	WS	2,500	1-28-02
Jolly Roger Recreation and Marine, Inc. (North Liberty)	WW	2,000	2-05-02
Leon Bachman (Independence)	AQ	500	2-08-02
Salsbury Chemicals, Inc. (Charles City) SEP	WW	2,000	2-09-02
Coralville, City of	WW	3,000	2-11-02
Adrian Skoda; Bowlaway Lanes (New Hampton)	WS	500	2-13-02
# Norm O'Bannon d/b/a O'Bannon Finishing (Buena Vista Co.)	AFO/SW	2,500	2-14-02
* James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	2,900	2-15-02
Kountry School (Garnavillo)	WS	400	2-15-02
Hale Tap (Olin)	WS	200	2-15-02
Scooters Tower Club (Cresco)	WS	300	2-18-02
# Dennis Heithoff (Carroll)	AFO	2,000	2-19-02
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02

Advance Millwork, Inc. (North Liberty)	AQ	5,000	3-08-02
Art's Way Manufacturing Co. (Armstrong)	AQ	5,000	3-08-02
Montgomery County Landfill Association (Red Oak)	SW	5,000	3-08-02
* Kiefer Built, Inc. (Kanawha)	AQ	7,500	4-30-02
* Quality Mat Co., Inc. (Waterloo)	AQ	5,696	12-01-02
Independence Mobile Home Park (Independence)	WS	800	-----
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	4,000	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
PM Beef Group, LLC (Hartley) SEP	WW	4,380	-----
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	-----
# Lynn Barry (Harrison Co.) SEP	AFO	3,000	-----
Iowa Skate U (Iowa Falls)	WS	600	-----
# Kollasch Land & Livestock, Inc. (Keokuk Co.)	AFO	500	-----
Brett George d/b/a Cedar Valley Tree Service; John Sohm	AQ/SW	7,000	-----
# Bradley R. Jochum (Salix)	AFO	1,600	-----
Alva Parker (Ringgold and Union Co.)	AQ/SW	10,000	-----
Days Inn 2 <sup>nd</sup> Addition (Williamsburg)	WS	10,000	-----
<b>TOTAL</b>		<b>241,566</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00

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Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
* Lester Holmes; Todd Holmes (Lucas County)	AQ	4,000	10-15-00
James Harter (Fairfield)	WW	1,800	1-29-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 <sup>th</sup> Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Winter Mobile Home Park (New Hampton)	WS	2,500	11-19-00
Winter Mobile Home Park (New Hampton)	WS	1,000	6-13-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
West Liberty, City of	WW	5,000	
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	1,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01

<b>TOTAL</b>	<b>178,694</b>
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The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Frank Hulshizer (Benton Co.)	SW	500
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Titan Wheel International, Inc. (Walcott)	WW	10,000
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Dayton, City of	WW	10,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
# Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
# Robert Fisher (Hamilton Co.)	AFO	3,000
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Leonard Rayonds; Randy Schleusner (Hancock Co.)	AFO	3,000
Minsa Corporation (Red Oak)	WW	10,000
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500
New Virginia Sanitary District (New Virginia)	WW	5,000
LT Tap (Waucoma)	WS	500
# Leo Pieper (Guthrie Co.)	AFO	2,500
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
AGP Grain Cooperative (Klemme)	AQ	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Brecht Enterprises, Inc. (Iowa Co.)	AQ/SW	4,000
The Farmers Co-Operative Society d/b/a Wesley Coop	AQ	5,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Dodgen Industries d/b/a Cabinet Masters, Inc. (Humboldt)	AQ	6,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
Duane Crees (Muscatine Co.)	AQ/SW	1,160
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
Braddyville, City of	WW	3,500

John Saathoff (Grafton)	AQ	500
# Floyd Kroeze (Butler Co.)	AFO	3,000
Sunnybrook Mobile Home Park (Polk Co.)	WW	5,000
Carter Lake, City of	SW	2,000
Jefferson, City of	WW	5,000
Richard Thompson d/b/a/ Thompson Auto Parts (Story Co.)	WW/SW	1,000
Jefferson, City of	WW	5,000
Onawa Country Club (Onawa)	WS	1,500
Jemco, Inc.; Bud Nelson (Audubon)	UT	3,570
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Shewry L.P.; Don Shewry (Davenport)	WW	7,500
GMNW Investments, L.L.C. (Hamburg)	WW	5,000
Eagle Investors dba Manson Ampride (Manson)	UT	4,650
Gene Moeller Oil Co. (Fort Dodge)	UT	6,000
Noble Ford Mercury, Inc. (Indianola)	WW	5,000
John Hoth (Tama)	UT	9,250
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600
James Clark (Logan)	UT	3,500
Midland Transportation Co. (Marshalltown)	UT	4,460
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
* Lester Davis (Polk Co.)	AQ	1,080
Long Branch Maintenance Corp. (Earlham)	WW	5,000
ABC Disposal Systems, Inc. (Hiawatha)	SW	5,000
Nevada, City of	UT	5,600
Trajet Products, Inc. (Glenwood)	AQ	10,000
Earlham, City of	WW	10,000
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000
Bob Luke (Washington Co.)	AQ/SW/WW	4,000
Lawrence Korver d/b/a Korver Development (Orange City)	WW	5,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
Finney Industrial Painting, Inc. (Fairfield)	AQ	2,500
Clearfield, City of	WW	3,500
Clearfield Community School District (Clearfield)	WW	1,000
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
# Dave Kabela; Frank & Darlene Kabela (Cedar Co.)	AFO	2,000
# Max and Phyllis Graber; Burdean Graber (Washington Co.)	AFO	2,000
Altoona, City of	WW	10,000
Joe & Mary Schuster d/b/a Better-Flo (Callendar)	AQ/SW	1,000
Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	5,000
Heartland Express, Inc. of Iowa (Coralville)	UT	5,390
Roger Eblen; Eblen Develop.; Duane Menke; Negus-Sons (Whispering Woods – Council Bluffs)	WW	10,000
Artistic Manufacturing Corp. (Altoona)	WW	2,000
Warren Frozen Foods (Altoona)	WW	10,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
George Redman (Mitchellville)	AQ	6,000
John Cox (Pottawattamie Co.)	AQ/SW	3,000

<b>TOTAL</b>	<b>431,160</b>
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The following administrative penalties were paid last month:  
NAME/LOCATION

PROGRAM	AMOUNT
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Osterdock Store (Guttenberg)	WS	500
Mark Broderick (Dallas Co.)	WW	950
# Rustad Farms, Inc. (Butler Co.)	AFO	3,192
# Duane Majewski (Butler Co.)	AFO	1,500
* James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	50
* Metro Wrecking d/b/a Metro Wrecking & Excavating (Clive)	AQ	500
* R.V. Hopkins, Inc. (Davenport) INTEREST	AQ	500
Benefit Water District #2 (Boone Co.)	WS	1,500
* Fred Konfrst d/b/a Fred's Trash Service (Mills Co.)	AQ/SW	500
Minnesota Mining and Manufacturing d/b/a 3M (Knoxville)	AQ	1,000
Bunge Corporation (Council Bluffs)	AQ	4,000
Lessard Contracting (Pottawattamie Co.)	WW	1,000
* Seven Ponds Park (Sperry) PAID IN FULL	WS	100
* Robert Simon (Dubuque Co.) PAID IN FULL	AQ/SW	800
Ajinomoto Heartland, Inc. (Eddyville)	WW	4,000
U.S. Petro, Inc.; Sam Singh (Bettendorf)	UT	8,500
<b>TOTAL</b>		<b>28,592</b>

The following SEP payments have been made:

A \$3,000 SEP was paid by Empire Land and Cattle Co. to the Crawford County Conservation Board.

The following penalties have been forgiven:

American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Used Tire Sales & Service (Webster Co.)	SW	10,000

Affordable Asbestos Removal, Inc.;	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Ruling Denying Motion Trial Date	3/20/00 4/19/00 2/26/01 4/20/01 2/04/02
Jeffrey Intelkofer Iowa City (6)					
Affordable Asbestos Removal, Inc.	Air Quality	DNR Defendant	Defense	Petition Filed Answer Ruling Defendant's Notice of Appeal	12/28/00 1/18/01 7/09/01 7/30/01
Jeffrey Intelkofer Iowa City (6)					
Bierman, Elaine and Kurt d/b/a Osterdock Store Guttenberg (1)	Drinking Water	Monitoring/R eporting – Bacteria; MCL – Bacteria; Public Notice	Order/Penal ty	Referred	7/16/01
Castenson, David; Kristi A. Castenson, Barbara June Cummins; Velma Castenson d/b/a B & D Farms Webster Co. (2)	Wastewater	DNR Defendant	Defense	Petition Filed Motion to Strike Answer Petitioner's Motion to Adjudicate Law Points State's Resistance	7/17/00 8/07/00 8/15/00 10/03/00 10/16/00
Crane, John & Frieda d/b/a Hillside Mobile	Wastewater	Discharge	Order	Referred	2/19/01

Home Park Ames (5)			Limits			
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96	
Indian Creek Corp. Jasper Co. (5) <b>UPDATED</b>	Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP	Referred to Attorney General	Referred Petition Filled Motion for Partial Summary Judgment Hearing Ruling Denying Partial Summary Judgment Trial Judgment (\$95,000/Civil-Injunction) Appealed to Supreme Court	4/17/00 9/27/00 8/10/01 9/11/01 9/14/01 10/24,25/01 11/19/01 1/09/02	
Larson, Daryl Jones Co. (1)	Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred Petition Filed Answer Motion for Summary Judgment Hearing Ruling (\$80,000 Clean-up Costs) Trial on Liability	5/17/99 11/02/00 12/07/00 7/16/01 8/31/01 9/02/01 12/19/01	
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal	Order/Penal ty	Referred Petition	4/17/99 6/01/01	
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	8/17/98 11/05/99 10/29/02	
Lindhahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penal ty	Referred	5/21/01	
Matrix Metal, LLC d/b/a Keokuk Castings Keokuk <b>NEW</b>	Steel Air Quality	Emission Limits	Referred to Attorney General	Referred	1/22/02	
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penal ty	Referred	2/15/99	
Nelson, Paul d/b/a Crestview Mobile Home Park	Wastewater	Discharge	Order/Penal	Referred	2/19/01	



## Environmental Protection Commission Minutes

February 2002

Ames (5)		Limits	ty			
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order)		12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00
Pigman, Ltd. Harlan NEW (4)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred		1/22/02
Sunrise Farms, LLC Benton Co. (1)	Dairy Animal Feeding Operation	Construction Without Permit; Prohibited Discharge; Failure to Report a Release; Failure to Update MMP; Uncertified Applicator; Water Quality Violations	Referred to Attorney General	Referred		8/20/01
Thomas, Donald L. and Barbara S. Linn Co.	Solid Waste	DNR Defendant	Defense	Petition for Judicial Review Answer		9/21/01 10/29/01
West Liberty, City of (6)	Wastewater	Discharge Limits; Operational Violations	Order/Penalty	Referred		7/16/01
White, Robert Jeff White, Dave Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Dismissed Without Prejudice Petition Against Dave White Filed Answer Filed Trial Order (Clean-Up and Injunction) Penalty Hearing Order Assessing Civil Penalties (\$10,000)		4/20/98 2/05/99 9/24/99 11/15/99 12/06/99 1/31/01 2/27/01 10/04/01 10/04/01
Williams Pipeline Company LLC Waterloo/Dubuque/Milford (1, 3)	Air Quality	Construction Without Permit	Order	Referred		7/16/01
Winter	Mobile Drinking	Operation	Order/Penalty	Referred		4/16/01

Home Park New Hampton (1)	Water	Without Permit; Monitoring/R eporting – Bacteria	ty	Petition Filed	9/17/01
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Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997, 8606993, 8606996 Clinton (6) <b>NEW</b>	Underground Tank	UST Closure; Site Check	Order/Penal ty	Referred	1/22/02
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Wunschel Oil Co.;				Referred	1/17/95
Vernus Wunschel	Underground		Referred to	Motion for Judgment	8/28/96
and Jaquelyn	Tank	Site	Attorney	Consent Decree (\$6,400/Admin.)	12/13/96
Wunschel		Assessment	General	Referred	3/30/98
Battle Creek (3)				Petition Filed	9/01/00
				Defendant's Motion to Dismiss	9/08/00
				State's Resistance	9/19/00
				Denial of Defendant's Motion to Dismiss	11/07/00
				Motion for Partial Summary Judgment	2/16/01
				Hearing	4/26/01
				Order Granting Partial Summary Judgment	5/09/01
				Notice of Appeal	6/07/01
				State's Motion to Dismiss	6/18/01
				Defendant's Motion to Dismiss	6/19/01
				State's Resistance	6/20/01
				Defendant's Dismissal of Appeal	7/06/01
				Order Denying Defendant's Motion to Dismiss	7/20/01
				Trial Date	6/11/02

11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Tack	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
6/20/90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	<b>12/27/01 – Final NPDES permit issued to City resolving issues raised by appeal.</b>
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	Closure permit issued 1/10/00. Closure to be completed by 9/1/01.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site

						assessment.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up. Clean-up scheduled for 10/01.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	7/01 – City referred for Admin. Order for wastewater violations.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	<b>1/31/02 – Dept. letter to company regarding resolution of appeal.</b>
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	<b>1/30/02 – Update from Permits engineer – further site needs to be approved, more information needed from Company's engineer.</b>
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96. 6/9/00 – Initial remedial measures completed. Final treatment system expected to begin operation by 11/01/01.
6/20/95	Toledo, City of	5	Permit Conditions	WW	Hansen	<b>Meeting at FO 5 held 1/12/02 regarding compliance schedule in NPDES final permit issued 12/3/01.</b>
7/10/95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. 4/01 – Received Tier 2. 1/09/02 – Admin. Order and penalty dismissed. Case closed.
8/01/95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Placed on state lead. Negotiating penalty. 1/09/02 – Admin. Order and penalty dismissed. Case closed.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	Negotiating before filing. Attorneys contacted 2/99. Reassigned 6/1/01/
1/12/96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	<b>12/18/01 – Penalty payment received. 1/25/02 – Dept. letter to DIA advising that penalty has been paid and dismissal order can be issued. 2/1/02 – ALJ Order for Dismissal. Case closed.</b>
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	<b>2/1/02 – Penalty settlement status request to appellant.</b>
5/07/96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review. 2/27/99 FO contacted regarding appeal resolution. 5/1/01 – FO5 contacted regarding resolution of appeal.
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	<b>1/30/02 – Permits staff drafted letter to Company with NPDES permit to be put on public notice. Once permit is final, appeal is resolved.</b>

8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart 8LT593	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty. Placed on State lead. 1/09/02 – Admin. Order and penalty dismissed. Case closed.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	5/1/01 – WW staff contacted regarding resolution of appeal. 7/31/01 – Status report request from WW permits section. 9/28/01 – WW Permits Section contacted regarding resolution of appeal.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up near completion as of 6/20/00. Pallets 95% ground. Dept. assisting in identifying markets for mulch.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	6/28/01 – Proposed referral concerning NPDES permit violations to be place on July EPC agenda. 7/16/01 – Referral to AG office by EPC.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Book	12/27/01 – Sent to DIA.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	5/1/01 – Preliminary engineering report approved 3/01; will monitor progress.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	<b>2/1/02 – Requested status report from appellant's attorney.</b>
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	12/1/01 – City progressing on facility improvements. Will monitor for progress.
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Settlement letter sent by solid waste section 12/20/99.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Settlement close.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	<b>1/30/02 – Penalty paid. Case closed.</b>
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.

7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Settlement close.
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Book	<b>Hearing held 4/28/00. Judgment for DNR 11/20/00 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Linn County District Court issued ruling and affirmed in part, remanded in part. Affordable has filed an appeal to the Supreme Court on the ruling. 8/01 - Company filed a motion to stay Supreme Court portion until the ALJ rules on the remanded portion. Supreme Court denied motion; ALJ will now rule on the remanded portion of the decision, awaiting the ALJ decision. ALJ decision cut penalty in half - remainder of case on appeal with Supreme Court.</b>
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Settlement close.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	<b>Hearing held 1/18/02.</b>
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	<b>2/1/02 - Settlement request to appellant.</b>
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating. Requested guidance from EPA. Deadline 6/01/01. 6/29/01 - Awaiting EPA response. Meeting set for 9/20/01.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Compliance nearly completed. Penalty negotiations to begin upon compliance.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating. Requested guidance from EPA. Deadline 6/01/01. 6/29/01 - Awaiting EPA response. Meeting set for 9/20/01.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/10/99	Leonard Rayhons; Randy Schleusner	2	Admin. Order/Penalty	AFO	Clark	<b>1/30/02 - Settlement request to appellant's attorney.</b>
1/20/00	New Virginia Sanitary Sewer District	5	Admin. Order	WW	Murphy	12//01 - Facility upgrade nearing completion.

<b>2/07/00</b>	<b>Benefit District #2</b>	<b>Water</b>	<b>5</b>	<b>Admin. Order/Penalty</b>	<b>WS</b>	<b>Murphy</b>	<b>1/15/02 – Penalty payment received. Case closed.</b>
2/22/00	MINSA Corporation		4	Admin. Order/Penalty	WW	Murphy	10/24/01 – Settlement proposal.
3/02/00	Dennis Severson d/b/a Huxley Dry Cleaners		5	Admin. Order/Penalty	AQ	Preziosi	Hearing held 7/17/01. ALJ decision dated 8/1/01 upheld order..
4/14/00	Stateline Cooperative		2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/21/00	LT Tap		1	Admin. Order/Penalty	WS	Clark	<b>1/14/02 – Settlement offer tendered; awaiting WS approval.</b>
4/24/00	Carroll, City of		4	Permit Conditions	WW	Hansen	<b>12/3/01 and 12/13/01 – Dept. letters to City with further comments on facility plan. 1/28/2 – Dept. letter to city with WQ based copper effluent limits.</b>
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee		5	Admin. Order	SW/HC	Tack	District court ordered clean-up underway. Third party clean-up of site started 2/23/01. Final clean-up to be completed after thaw.
<b>5/10/00</b>	<b>3M Company</b>		<b>5</b>	<b>Admin. Order/Penalty</b>	<b>AQ</b>	<b>Preziosi</b>	<b>1/3/02 – Penalty paid. Case closed.</b>
6/08/00	Leo Pieper		4	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/14/00	Quality Mat Co., Inc.		1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01.
7/13/00	Dan Witt		6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
8/02/00	Wacker Biochem Corp.		5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/11/00	Twin Anchors RV Resort		5	Admin. Order/Penalty	WW	Tack	Construction permit application on file. Responsible part is working with WW section to achieve compliance. Penalty to be negotiated after compliance is achieved.
8/11/00	Kiefer Built		2	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established.
9/05/00	Thomas Kronlage		1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/27/00	Brecht Enterprises, Inc.		6	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer made to former attorney on 11/30/00. Offer renewed 5/2/01 directly to responsible party. New attorney retained by responsible party. Settlement

						negotiations resumed.
9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Order Penalty	AQ	Preziosi	Negotiating before filing.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	Hearing continued. 5/31/01 – Preliminary engineering report submitted.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Meeting held 6/19/01. Negotiations continue.
10/05/00	Sylvan Acres	1	Admin. Order	WS	Hansen	1/16/02 – Dept. letter regarding closing of appeal. 1/20/02 – Letter from WS withdrawing appeal. WS now connected to rural water and reclassified as a nonpublic water supply by Dept. 1/25/02 – Dept. letter closing appeal. Case closed.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Dodgen Industries, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Meeting held 6/01. Settlement close.
10/06/00	Duane Crees	6	Admin. Order/Penalty	AQ/SW	Tack	Settled. Penalty payment due 12/31/01.
10/20/00	AGP, Ag Processing	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/17/00	Swisher American Legion - #671	6	Admin. Order/Penalty	WS	Tack	Compliance to be reviewed through 10/01. Penalty negotiations to begin after review. 9/01 – Remedial measures completed. Additional testing under way.
11/17/00	James Nizzi d/b/a Alice's Spaghettiland	5	Admin. Order/Penalty	WS	Hansen	11/6/01 – Settled. Facility agreed to pay penalty in installments. 11/29/01 – First installment of penalty received. 12/31/01 – Follow-up letter sent regarding penalty payment due. 1/15/02 – 2 <sup>nd</sup> penalty payment received.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Proposed decision appealed to EPC. Briefing scheduled to be set.
11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	Hearing continued until 2/22/02..
11/28/00	AGP Ag Processing (Emmetsburg)	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	Mediation conducted 3/1/01. Compliance proposal submitted 4/2/01. Preliminary engineering report submitted 5/31/01.
12/05/00	Braddyville, City of	6	Admin. Order/Penalty	WW	Hansen	1/25/02 – Dept. settlement offer to City Attorney. 2/1/02 – City Attorney accepted offer.

12/12/00	University of Northern Iowa	1	Permit Modification Denial	AQ	Book	Facility still intends to resubmit the application. Waiting on consultant and other projects.
1/11/01	Guardian Industries	1	Permit Conditions	AQ	Book	Issued permits resolved appeal. Case closed.
2/05/01	Fred Konfrst	4	Admin. Order/Penalty	AQ/SW	Tack	Compliance achieved. Penalty settlement paid. Case closed.
2/21/01	John Saathoff	2	Admin. Order/Penalty	AQ	Book	FO reports that site is in process of being cleaned up. He had done some clean-up, some remains. Letter sent with new deadline of 9/28/01. Mr. Saathoff's family will work with Dept. to resolve matter. 12/01 – Another letter sent to the family, no response. If no response is received by month's end, will be set for hearing.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/19/01	Sunnybrook Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	12/31/01 – Settlement offer drafted. Construction complete. 1/15/02 – Dept. attorney contacted by MHPs engineering regarding Dept. settlement offer.
3/27/01	Carter Lake, City of	4	Admin. Order/Penalty	SW	Tack	Hearing held 1/11/02. 2/4/02 – Decision received affirming AO.
3/27/01	Bonaparte, City of	6	Permit Conditions	WW	Hansen	8/6/01 – FO6 letter to City requiring submittal of Plan of Action by professional engineer by 1/1/02. 1/14/02 – Per FO6, City given extension to 2/28/02 to submit POA. City still evaluating I/I and flows to treatment plant.
4/04/01	The Woods at Fox Hollow Homeowners Assn.	6	Permit Conditions	WS	Hansen	4/18/01 – Discussion with appellant regarding compliance status of WS and permit appeal. FO6 to meet with appellant. 5/23/01 – WS section supervisor attended meeting with residents to discuss appeal. 6/20/01 – Status report requested from WS section. 7/20/01 – Status report requested from WS section. 7/23/01 – Status report received; appeal still under review by WS section. 8/2/01 – WS section letter to WS regarding appeal. 8/23/01 – Dept. sent follow-up letter to WS regarding appeal and monitoring requirements. 8/23/01 – WS sent letter to WS section stating monitoring would be initiated. WS has begun to monitor but has not completed all required monitoring. 11/17/01 – Dept. copied on letter from homeowner's association to developer concerning installation of a third well for the subdivision.
4/13/01	West Central	4	Permit Denial	AQ	Preziosi	Meeting set for 12/03/01.



	Cooperative					
4/16/01	Richard Thompson; Thompson Auto Parts	5	Admin. Order/Penalty	SW/WW	Tack	Clean-up underway. Penalty to be reviewed after completion of site clean-up.
4/27/01	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/01/01	Onawa Country Club and Golf Course	4	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
5/08/01	JEMCO; Bud Nelsen	4	Admin. Order/Penalty	UT	Wornson	Compliance initiated. Negotiating penalty.
5/17/01	Plano, City of	5	Admin. Order	WW	Hansen	9/28/01 – Dept. letter to City regarding appeal. 10/10/01 – Response received from Mayor regarding appeal and CDBG pre-application.
5/25/01	Shewry L.P.; Don Shewry	1	Admin. Order/Penalty	WW	Murphy	<b>2/02 – Settlement offer under consideration.</b>
5/29/01	Wayne Wheatley fdb Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
5/30/01	GMNW Investments, L.L.C.	4	Admin. Order/Penalty	WW	Murphy	1/3/02 – Sent to DIA. Settlement offer made.
6/13/01	Gene Moeller Oil Co.	2	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/18/01	Noble Ford Mercury	5	Admin. Order/Penalty	WW	Hansen	7/19/01 – Letter sent to company regarding appeal. 8/15/01 – Company letter to Dept. agreeing to schedule in the order.
6/19/01	Eagle Investors, LLP d/b/a Manson Ampride	4	Admin. Order/Penalty	UT	Wornson	<b>Compliance achieved, negotiating penalty pending change in UST fund rule.</b>
6/19/01	John Hoth	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
<b>6/25/01</b>	<b>Used Tire Sales &amp; Service, Inc.</b>	<b>2</b>	<b>Admin. Order/Penalty</b>	<b>SW</b>	<b>Tack</b>	<b>Clean-up completed. Case settled. Closed.</b>
<b>6/27/01</b>	<b>Dostal Construction</b>	<b>5</b>	<b>Admin. Order/Penalty</b>	<b>AQ/SW</b>	<b>Tack</b>	<b>Settled. Penalty paid. Case closed.</b>
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/WW	Hansen	11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision.
7/02/01	Bulk Petroleum Corp. d/b/a Citgo	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.

7/02/01	James A. Clark	4	Admin. Order/Penalty	UT	Wornson	11/01/01 – Sent inability to pay forms.
7/10/01	Midway Oil Co. (West Branch – 8603858)	6	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/10/01	Midway Oil Co. (Davenport – 8602775)	6	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/11/01	Lester Davis	5	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
7/16/01	Midland Transportation Co.	1	Admin. Order/Penalty	UT	Wornson	Midland filed for bankruptcy.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Informal settlement reached.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	<b>Hearing held 1/07/02. Waiting for ALJ decision.</b>
8/15/01	Trajert Products, Inc.	4	Admin. Order/Penalty	AQ	Preziosi	Meeting held 8/29/01. Negotiations continue.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 4 on 9/17/01. Tentative agreement reached on revised schedule.
8/21/01	Clinton, City of	6	Admin. Order/Penalty	WW	Hansen	9/20/01 – Penalty received.
8/21/01	Earlham, City of	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 5. 10/31/01 – Dept. settlement offer to City. 11/21/01 – City attorney responded to Dept. settlement offer with counter offer. 11/29/01 – Dept. follow-up letter to City. 12/18/01 – City attorney responded to Dept. offer.
8/27/01	Lehigh Portland Cement Co. (42)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/25/01	Lawrence Lenertz	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
9/28/01	Bob Luke d/b/a D & R Tree Service	6	Admin. Order/Penalty	AQ/SW/W W	Tack	Negotiating before filing.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
10/02/01	Lawrence "Bub" Korver d/b/a Korver Development Co.	3	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
10/03/01	Mark Broderick	5	Admin. Order/Penalty	WW	Murphy	1/04/02 – Penalty received. Case closed.

10/08/01	Ervin Jones; City of Swisher	6	Certification Denial	WW	Wornson	<b>Compliance achieved except for probationary period.</b>
10/22/01	Gemini Incorporated		Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/26/01	Postville, City of	1	Certification Suspension	WS	Wornson	Negotiating before filing.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/HC	Wornson	Negotiating before filing.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
11/08/01	Finney Industrial Painting	6	Admin. Order/Penalty	AQ	Book	<b>Settlement reached. Awaiting signed consent amendment.</b>
11/14/01	Bee Rite Tire Disposal, Inc.	5	Notice of Intent to Revoke Permit	SW	Tack	<b>Hearing set for 2/12/02.</b>
11/19/01	Clearfield Community School District	4	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/21/01	Clearfield, City of	4	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/30/01	Dave Kabela	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/03/01	Farmers Cooperative Co.	4	Admin. Order	AQ	Book	<b>Will develop compliance plan to incorporate into the settlement of appeal. Compliance plan due 2/08/02.</b>
12/06/01	Pella Corporation; Sioux Center and Pella	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/07/01	Crestwood Acres	1	Admin. Order	WS	Murphy	Settlement proposal by PWS 12/26/01.
12/10/01	Max and Phyllis Graber; Burdean Graber	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/10/01	Blair's Ferry Manor	1	Admin. Order	WS	Murphy	Settlement proposal by PWS 12/26/01.
<b>12/12/01</b>	<b>Duane Majewski</b>	<b>2</b>	<b>Admin. Order/Penalty</b>	<b>AFO</b>	<b>Clark</b>	<b>Settled. 1/11/02 – Penalty received. Closed.</b>
12/17/01	Keith Stoterau; Hopp Construction Co.,	4	Admin.	WW	Murphy	Negotiating before filing.

	Inc.		Order/Penalty			
12/21/01	Altoona, City of	5	Admin. Order/Penalty	WW	Murphy	<b>2/1/02 – Meeting held.</b>
<b>12/24/01</b>	<b>Lessard Contracting, Inc.</b>	<b>4</b>	<b>Admin. Order/Penalty</b>	<b>WW</b>	<b>Murphy</b>	<b>1/25/02 – Penalty received. Case closed.</b>
12/24/01	Joe & Mary Schuster	2	Admin. Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
12/26/01	Dean Drees; Rimade, Inc.	4	Permit Revocation	SW	Tack	Negotiating before filing.
12/31/01	Heartland Express	6	Order/Penalty	UT	Wornson	<b>New case. Compliance initiated. Negotiating penalty.</b>
1/04/02	Negus-Sons, Inc. (Whispering Woods)	4	Order/Penalty	WW	Murphy	New case.
1/04/02	Dico, Inc.	5	Registry Notice	HC	Tack	New case.
1/04/02	Artistic Manufacturing Corp.	5	Order/penalty	WW	Murphy	<b>New case. 2/1/02 – Meeting held.</b>
1/08/02	Warren Frozen Foods, Inc.	5	Order/Penalty	WW	Murphy	<b>New case. 2/1/02 – Meeting held.</b>
1/08/02	Bee Rite Tire Disposal	5	Order	HC	Tack	<b>New case. Hearing set for 2/12/02.</b>
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	New case.
1/10/02	Nichols Aluminum	1	Permit Denial	AQ	Book	<b>New case. Meeting scheduled for 2/12/02.</b>
1/14/02	George Redman	5	Order/Penalty	AQ	Preziosi	New case.
1/14/02	AGP – Sheldon Plant	3	Permit Conditions	AQ	Preziosi	New case.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	New case.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	New case.
1/28/02	Ira Community Service Assoc.		Permit Conditions	WS	Hansen	New case.
1/28/02	John Cox	3	Order/Penalty	AQ/SW	Book	New case.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	New case.

During the period January 1, 2001 through January 31, 2001, 4 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October	9(5)	1	.0211	0	0(0)
November	4(1)	1	0.00133	2	0(0)
December	3(1)	2	3.50002	1	0(0)
January	4(5)	1	.007485	1	0(0)
February	2(0)	1	.00035	0	0(0)
March	10(0)	1.4	.4199	1	0(0)
April	3(0)	1.1	0.057	1	0(0)
May	10(0)	14.51	0.047	5	0(0)
June	6(0)	2	0.049	0	0(0)
July	6(0)	1.2	0.069	1	0(0)
August	9(0)	1.78	.044	0	1(0)
September	5(0)	1	.005	3	0(0)

(numbers in parentheses for same period last year)

Note: data not previously collected,  
thus no data for the previous year

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
2	0	0	0	1	1

Mike Valde briefed the Commission on the monthly reports.

Lisa Davis Cook asked for an update on Sunrise Dairy.

Mike Murphy said both civil and criminal action has been filed within in the past two weeks.

<b>INFORMATION ONLY</b>
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## APPOINTMENT

Jeff Vonk introduced Dean James Merchant from the University of Iowa, College of Public Health, Dean Richard Ross from Iowa State University, College of Agriculture and representing Dean Catherine E. O'Connor Woteki, Wendy Winterstein from Iowa State University, College of Agriculture, to present their findings from the Concentrated Animal Feeding Operations Air Quality Study.

Dean James Merchant said he would like to recognize and acknowledge the leadership that Dean Richard Ross provided as the lead dean on this study from the College of Agriculture at Iowa State. The study group consisted of 27 faculty members representing a variety of disciplines. They held five meetings. He said the executive summary represents a consensus and the full report represents the views of the individual authors. In addition the report was subjected to peer review by national and international scientists.

Deans James Merchant and Richard Ross presented answers for the questions asked of the study group.

(A copy of the executive summary and the full report are available in the Departments Record Center.)

### **Leland Little (Air Quality Study)**

Leland Little said he was impressed with the complete report and as a citizen of Iowa he would like to thank the two universities for the work they did. After reading this information he said he would like to call for a moratorium on the construction of new confinement operations until air quality rules can be implemented.

### **Don Dubois (Air Quality Study)**

Don Dubois said four years ago a mega hog confinement was built a quarter mile from his family acreage in southeastern Boone County and the health of his whole family took a turn for the worse. His ten-year-old daughter battles asthma, his wife has suffered allergies and he suffers from severe migraine headaches. He said he blames air pollution from the hog facility for the downfall of his family's health. When the wind is right, it blows the toxic factory farm gases comprised of hydrogen sulfide, ammonia, and odors through their acreage, causing them to close windows and making them prisoners in their own home. The two universities released a report that confirms what they have said all along, air pollution from factory farms is making them sick. Iowa residents need air quality standards and they need them now. The Department is proposing new state legislation that would address some of the air and water quality problems caused by livestock factory farms, many of which reflect the kinds of changes that the Iowa Citizens for Community Improvement have been working on for several years. However until these regulations to control the factory farms are put in place Iowa needs a moratorium on factory farms.

### **Paul Ackley (Air Quality Study)**

Paul Ackley said he was a family farmer from Taylor County Iowa. American citizens have a right to do just about anything they want to as long as they don't tread on someone else's area. While it is true that Iowa is losing some of its population, there are also people moving back and building houses in the country. Farmers will have to be ready to accept more regulation that they have been used to in the past and he supports the idea of a moratorium for hog confinements until rules can be put in place.

**Carroll Harless (Air Quality Study)**

Carroll Harless from Iowa Falls said he agrees with what has been said about moving ahead with the air quality rules. He is a family farmer and has lived on the farm since his parent moved there in 1954. In 1995 two Iowa Select sites were built, one 1/3 of a mile away and the second 1/2 mile from his home. Each site has 7500 head of finishing hogs and he sees the violations that are taking place. Des Moines continually has problems with nitrates in the water, while Iowa Select applies manure in the fall before the ground temperature is low enough to prevent pollution of the waters. He distributed a list of violations made by Iowa Select since 1996.

**Kurt Kelsey (Air Quality Study)**

Kurt Kelsey said he was a family farmer from Iowa Falls. He raises livestock and they have been there a long time. A little over a year ago, Iowa CCI turned in over 6,000 signatures on a petition and 900 pages of information asking for air quality rules. These standards are shared by other states in our area that raise livestock. EPC told Iowa CCI that they needed a study with sound science to support the proposed rules. Today the Commission has heard the results of that study, now it is up to the Commission. Iowa citizens need the Commission's help to protect their health by establishing rules to make Iowa safer place to live. The livestock industry will adapt. With regard to the violation by Iowa Select, he asked the Commission to refer Iowa Select to the Attorney General and let them enforce the laws.

**Larry Ginter (Air Quality Study)**

Larry Ginter said he raised hogs for 35 years and is currently renting his facilities out to a pork producer who has 175 sows. The people who question the studies today are the same groups who have put Iowa in the environmental, social, and economic mess that we face today. They are the groups that push for the factory style livestock facilities and pushed for the infamous House File 519. These groups did not and do not represent the sentiments of the majority of Iowa. They know the research is sound and fact based. They know CAFO's have polluted the environment and have driven family farm livestock producers out of business. They know CAFO's have polluted the political system as well. It is now time that people were heard. Seventy percent of the citizens in this state want air quality standards, a moratorium, and load control. Food production is not only a matter of those who produce it. It is a matter of those who eat it and it is high time that everybody understands what is going on in this state. Food is an important part of our system but so is the quality of life and the quality of the environment. He asked the Commission to pay attention to the research because this state cannot handle another factory farm.

**Ron Litterer (Air Quality Study)**

Ron Litterer said he was there to represent Farm Bureau and the Commodity groups. He provided a written copy of his statement for the Commission. He said the air quality study released by Iowa State University and the University of Iowa is not the final answer for further regulation of Iowa's livestock farmers. He said the studies cited in the report are limited in size and scope, did not make specific environmental exposure or odor measurements and are subject to recall bias. In addition the study group was not able to reach consensus on the regulation of odors. He said the regulation recommended in the report would result in more independent

producers leaving the industry. More research is needed to identify health impacts of those living near livestock facilities but the study attempts to draw conclusions about the impact of emissions before that data is collected.

(A copy of his written comments are available in the Department's Record Center.)

## **REFERRAL TO THE ATTORNEY GENERAL (CONTINUED)**

### **Iowa Select Farms, L.P. (sow 7/10 – Hamilton County) – animal feeding operation**

Mike Valde said this referral is for a release from a facility that Iowa Select leased and managed in September of 2001. The initial report was of a small release into a tile intake. Upon investigation the Department found that manure had flowed through the tile line into the south fork of the Iowa River causing a fish kill.

Brief discussion followed.

### **Mike Blaser (Iowa Select Farms)**

Mike Blaser, Attorney for Iowa Select Farms, asked for a full evidentiary hearing on this matter, and requested that the Department file findings of fact and/or conclusions of law to this matter and to the proposed referral of Iowa Select Farms as the only party being referred in this matter.

Mike Valde replied that the Department does not believe that the Commission meeting is the place for a trial or an evidentiary hearing and does not believe that a referral process requires an evidentiary hearing to determine probable or sufficient evidence.

Mike Blaser said Iowa Select Farms does not believe that this matter would meet the criteria of Chapter 10 of the Department's Administrative Rules to warrant a referral based on the following reasons. One of the criteria is whether the party accused of the violation realized any cost savings or other economic advantage. Iowa Select Farms did not realize any cost savings or other economic advantage in this matter as the Landlord under the lease is to handle all of the manure at a fixed cost, so a release of any manure from the building does not result in any savings. Although the gravity of the alleged violation is significant, he said he does not believe this criterion is relevant absent some finding of culpability as to Iowa Select. Iowa Select is not the person who place the pollutant into the waters of the State because they do not hold the permit, they do not handle the manure nor do they lease anything outside of the buildings themselves for the farm in question. Therefore it would not be within Iowa Select's control to put a slide valve onto that tile intake or to remove it. No action by Iowa Select was negligent let alone intentional. Since the release itself is not the responsibility of Iowa Select, referral of Iowa Select to the Attorney General will not deter future events involving third parties.

Brief discussion followed.

Mike Valde said it is Iowa Select's responsibility not to release manure into the waters of the State from buildings under their control.



*Motion was made by Rita Venner to refer Iowa Select Farms to the Attorney General. Seconded by Darrell Hanson*

Rita Venner said that someone has to be at fault and since Select Farms held the lease they should be the responsible party.

**IOWA SELECT FARMS REFERRED**

**GENERAL DISCUSSION**

Jeff Vonk said that the Department is in the process of reading the report and plans to come back to the Commission in March with the Department's opinion of what actions and activities need to occur in response to the report. He said it was his hope to have a draft rule shortly after that.

James Braun said that it was his opinion that the industry was acting out of emotion and hysteria. As he reviews the research that has been done most operations will not exceed the limits being recommended.

Dean James Merchant agreed that the vast majority of the producers would not be affected by the recommendations.

Lisa Davis Cook said she has a great deal of concern about the budget cuts that the Department is facing. She worries that the budget is being cut to the point where it will begin to affect services and at the same time she sees the Department contracting out for services that could be done by the staff. She said although the number of employees may be reduced as a result of the cuts there doesn't appear to be any savings as a result of the reduction of staff.

**ADJOURNMENT**

*Motion was made by Lisa Davis Cook to adjourn. Seconded by Kathryn Murphy. Motion carried unanimously.*

With no further business to come before the Environmental Protection Commission, Chairman Townsend adjourned the meeting at 3:05 p.m., Monday, February 18, 2002.

**MEETING ADJOURNED**

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Jeffrey R. Vonk, Director

February 2002

Environmental Protection Commission Minutes

Terrance Townsend, Chair

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Rita Venner, Secretary

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